

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
TERRE HAUTE DIVISION

BRIAN GALE, )  
 )  
 Plaintiff, ) ) No. 2:21-cv-00275-JPH-MJD  
 v. )  
 )  
 T. J. WATSON, )  
 )  
 Defendant. )

**ORDER TO SHOW CAUSE**

This action is proceeding with one claim for injunctive relief based on Brian Gale's allegations that his requests to meet with a visitor at the U.S. Penitentiary at Terre Haute (USPTH) have been denied due to racial or religious discrimination. *See* dkt. 69 (screening order). Mr. Gale has notified the Court that he has been transferred to a different prison. Dkt. 78.

"[W]hen a prisoner who seeks injunctive relief for a condition specific to a particular prison is transferred out of that prison, the need for relief . . . become[s] moot." *Lehn v. Holmes*, 364 F.3d 862, 871 (7th Cir. 2004). The allegations in the amended complaint indicate that Mr. Gale's visitation requests have been denied because of discriminatory animus by USPTH staff members and not because of a policy that would apply in his new prison. *See* dkt. 63 at ¶¶ 3 (describing decisions as contrary to Bureau of Prisons policy), 5 (describing racial animus by staff).

Mr. Gale will have **through April 3, 2023**, to **show cause** why this action should not be dismissed as moot. The defendant will have **fourteen days** from Mr. Gale's filing to file any response.

**SO ORDERED.**

Date: 3/8/2023

James Patrick Hanlon

James Patrick Hanlon  
United States District Judge  
Southern District of Indiana

Distribution:

BRIAN GALE  
91098-083  
BUTNER - MEDIUM I FCI  
BUTNER MEDIUM I FEDERAL CORRECTIONAL INSTITUTION  
Inmate Mail/Parcels  
P.O. BOX 1000  
BUTNER, NC 27509

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